G. R. S. 58]

Previous references.

(12)

File No. 31—01

1901.

(Police)

Serial Nos. 1—4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—9

Major ~~Part~~ B for

SUBJECT.

Power to the Inspector General of Police to Countersign all licenses granted under the Mysore Arms Regulation.

Underd^l B.B.Shanks

Sl. 15384/J1313 of 17.3.02

To, The Compiler Mysore Gazette

Notifies that the I.G of Police is authorised to countersign all licenses granted under the Mysore Arms Regulation.

15385/J1314 of 17.3.02

To, The I.G. of Police in Mysore,

Forwards copy of the above.

GPB—8,500—21-7-14

Sl 1 (cont?)

15356-93 / 1315 of 17. 3. 02

To, The District Magistrates.

Forwards copy of the above with the remark that all licenses for cantr. liquors should in future be forwarded to the D. G. of Police in Mysore —

Countermanded
Y.

SECTION: Lo Cable Sec 30 1

FILE No. 31—01

SERIAL No.

S. Sr. Iyengar

Put up a note
recommending
the D.G. under
the above rule.

Place of this.

16/10

Draft Subd
8.8.
17.10.01

In Rule 1 of the Rules
issued under the Indian
Army Regn., 1890, for
the words "by the Secy to
the Govt of India in the Genl
Dept., or other Officer authorized
in this regard by the Govt of India,"
and on the reverse of Form
No. IV thereunder for the
words "by the Secy to the Govt of
India in the Genl Dept or other
Officer," the words "by the
Inspector General of Police or
other officer authorized in this
regard by the Govt of India" shall
be substituted.

30.9.01.

To the Compiler, H.S.; for publication
in Part-III.

All D.Gs of Police, with the remark
that all licenses for carbine sights
should in future be sent to the D.G.
of Police 91 D.G. of Police

Note.

The Arms Rules, VI of 1889, does not say by whom licenses are to be countersigned.

Arms Rule no. 8, however, lays down that licenses granted under that rule shall, "on countersignature by the Secretary to the Govt of Mysore in the General Dept, or other officer authorized in this regard by the Govt of Mysore, be valid for all districts in the Territories of Mysore."

No other officer has yet been so authorized; and the result is that the Dewans office is deluged with quantities of such licenses every day for countersignature, which is almost always done (formerly by the Under Secretary, and now) by the Assistant Secretary, Jud Dept,

"For the Secretary".

[I signed 156 Mch. licences today].

The law contemplates, I think, though it does not say so, that each application of this kind should be scrutinised before the licence is extended to the whole of the Native States. Now the Secretariat is hardly in a position to do this, since it has no local knowledge bearing on the eligibility of each applicant for the concession applied for.

Would it not therefore be more satisfactory if the Inspector General of Police were authorized to countersign licenses? A draft to this effect is put up for approval.

Mr Bilderbeck adds, it is the Commissioner of the District or other specially authorized Officer that performs the act of Countersignature (Vide Rule 43) — 20.9.01

I think this suggestion may be adopted in a modified form as in the draft submitted

herewith.

17/10/1901

To the Dewan

Read 17.10.01 2230. 2868.

May please
how many
such licenses
were countersigned
& on whose applns
during the last
two years -

31.XII.01

2/1

Put up information. 3.1.02

The statement put up by the Office shows that during the years 1899-1900 and 1900-1901, 172 licenses were countersigned at the instance of the Hon'ble Bangalore

240 " " " Mysore,
98 " " " Kolar,
8 " " " Hassan,
47 " " " Kadur,
292 " " " Chitaldrug,
160 " " " Shimoga,
215 " " " Tumkur,

1230 in all. (During the period from 1891 to date, the no. of licenses countersigned has been 672 (six hundred and seventy two).

I may add that in the same rules recently sanctioned by Govt the function of countersigning licenses has been assigned to the Conservator and the Inspector General of Police on the express ground that these are "the officers best fitted to judge as to the desirability or otherwise of granting such [Provincial] licenses." The administration of the same Rules and that of the Arms Rules are intimately connected, and it seems desirable that the scrutinising function which countersignature implies should remain in the same hands in both matters.

13.2.02.

Submitted to the Dewan

3414 / 15.2.02 — 4003 — 14/2

(Draft-letter approved by the Dewan)

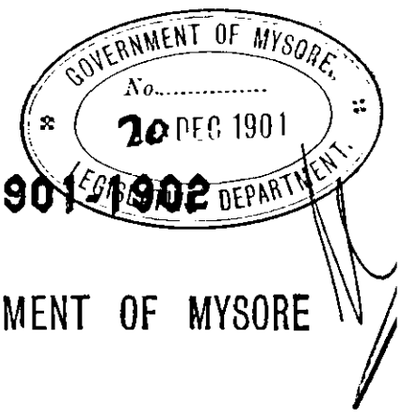
14/3

1413

Para 14 of G.O. no 9270-30 & Legis. 57 dt 14.12.01.

Statement showing the number of licenses received from all the District Magistrates in Mysore for Countersignature during the years 1899-1900 and 1900-1901.

District	1899-1900 No	1900-1901 No	Total
Bangalore	73	99	172
Mysore	119	121	240
Tumkur	39	59	98
Kolar	2	1	3
Hassan	21	26	47
Kadur	132	160	292
Chitaldrug	83	77	160
Shimoga	100	118	218
	569	661	1230



1901 to 1902

GOVERNMENT OF MYSORE

LEGISLATIVE

PROCEEDINGS

ated 14th December 1901

No. 9270-308 / Legis. 57

Issuing, with remarks, Rules for the eservation of Game and Fish in the My-e State, under Regulation II of 1901.

No. 9270-308—LEGIS. 57, DATED BANGALORE, 14TH DECEMBER 1901.

ORDER—A large body of suggestions and criticisms has been received in regard to the draft rules under Regulation II of 1901, which were published with Notification No. 13319—Legis. 93, dated the 9th April 1901. Government take this opportunity of acknowledging their indebtedness to the various gentlemen, both official and non-official, who have been good enough to place the benefit of their experience and judgment at the disposal of Government in the devising of suitable measures for the preservation of Game and Fish in the Mysore State. While the welfare of the animals themselves has been, as it must be, the primary consideration, Government have had at the same time to guard against unnecessary or vexatious interference with the reasonable requirements and immemorial customs of the people, and also, as far as possible, to consult the convenience of the more limited class interested in sport. In providing for these somewhat inconsistent interests, it has not always been possible to accept suggestions put forward on various points. But it is hardly necessary to add that the views submitted have in all cases received careful attention.

2. Government have not seen their way to accept certain proposals for amending Regulation II of 1901, the amendments being either unimportant, unnecessary or undesirable.

3. Alterations have likewise been proposed in the rules under the Arms Regulation, with a view to the enhancement of license fees, the rendering more stringent of the conditions of licenses, and the restriction of the right to possess fire-arms generally to a smaller number of individuals. Government regret they are not prepared at present to deviate from the existing system, based as it is substantially on the Arms Law in force in British India. They will, however, impress on their District Officers the necessity for scrutinising more closely applications for the grant of gun-licenses, and refusing to grant or renew such unless good and sufficient reason is shown in that behalf.

4. In accordance with the nearly unanimous recommendation of the gentlemen consulted, it has been decided to apply the Game and Fish Preservation Regulation to the whole of the Mysore State, instead of to particular areas only. A similar general application has also been decided upon in the case of the rules thereunder, subject, however, to the new Forest Regulation, which contains special provisions in regard to the regulation of fishing and the pursuit of game in forest lands (*i. e.*, State Forests and forests under special protection).

5. As it has been represented that monkeys and parrots often occasion much damage to crop, a proviso will now be added, permitting their conditional destruction, similar to that embodied in section 12 of the Regulation in regard to game.

6. The partial protection against killing or capture contemplated in the case of certain animals has been restricted to three years; jungle-fowl have been omitted from the scope of the rule; and the protection has been extended to birds with brilliant plumage, which are now being largely destroyed for commercial purposes, and to antelope, which have become much reduced in numbers owing to reckless destruction.

7. Instead of fixing in the rules a definite period during which perennial streams and lakes shall necessarily be closed against fishing, it has been thought advisable to give the Deputy Commissioners discretion to act in this matter according to local conditions and requirements. The spawning season (should this be the period decided upon) has been specified in detail for different cases.

8. The minimum size of meshes for nets has been slightly altered, to two inches in the case of perennial streams, and one inch in other cases.

9. In employing the expression "shoot at and kill" in the original Rules 6, 7 and 8, the idea of Government was to make the restriction contained therein applicable in the first instance only to the killing of animals by the use of fire-arms. There is reason to believe that many more animals under cover are slaughtered in this way than by other modes of destruction. And any considerable curtailment of

the immemorial customs of the people in regard to the spearing, netting, etc., of game can only be effected gradually. While, therefore, it is not the intention of Government at present to extend the scope of the provision *in regard to licenses* to such modes of killing, they have, at the same time, been convinced that, so far as the prescription of a close season in the interests of animals is concerned, it is undesirble to make any distinction between the various ways in which animals may be killed. The rules have been altered accordingly.

10. With regard to the periods of close season for the different classes of game, the opinions expressed have been more or less conflicting. Government have, however, given their most anxious consideration to this important question; and have had the original rules re-cast and considerably altered in the light of the information available; and they trust that the revised rule will be found sufficiently accurate and acceptable for all practical purposes. It will be noticed that a special close season has been fixed for feathered game of the migratory variety (*viz.* duck and teal, snipe not being included in the definition of "game"), from 1st May to 1st October.

11. The taking out or destruction of the eggs of game birds has now been made punishable.

12. In accordance with the recommendation made from more than one quarter, the vending of game and fish within Municipal limits without a license (to be obtained on a nominal fee), has been prohibited, this being one way in which their destruction on a large scale can be indirectly controlled.

13. The fee fixed for District licenses for the pursuit of game has been reduced from Rs. 10 to Rs. 5 per annum; but the additional fee for Provincial or Forest game licenses will remain at Rs. 20, which is not considered excessive.

14. The function of countersigning licenses intended to apply as well to State and protected forests as to other places, will be assigned to the Conservator of Forests, and that of countersigning licenses applicable to all the Districts generally (the forests above excepted) to the Inspector General of Police, these being the officers best fitted to judge as to the desirability or otherwise of granting such licenses.

15. The power to demand the production of licenses has been extended to all persons who are empowered to arrest offenders, as the power to arrest cannot always be properly exercised without information as to whether a person is acting under authority of a license or not. Government regret they do not consider it expedient at present to empower private persons to exercise the power of arrest.

16. A new rule has been added, embodying the penalty to which a breach of the rules renders the offender liable under section 8 of the Regulation.

17. The question of offering rewards for the destruction of wild dogs, etc., will be separately dealt with.

18. The rules as finally revised are printed as an annex to this order, and will also be separately notified in the *Mysore Gazette* both in English and in Kannada for general information. Deputy Commissioners are requested to give wide publicity to the rules among the people of their Districts.

Secy. to Govt., Gen. & Rev. Depts.

—The Heads of Departments.

The Deputy Commissioners of Districts, with the request that they will communicate this order to the non-official gentlemen, if any, in their Districts, from whom opinions have been received.

Exd.—J.T.R.

NOTIFICATION.

I. With reference to sub-section (2) of section 1 of the Mysore Game and Fish Preservation Regulation, II of 1901, it is hereby notified that the local area to which the Regulation extends shall comprise all the Districts in the Mysore State.

II. 1. In exercise of the powers conferred by the said Regulation, II of 1901, the Government of Mysore are further pleased to prescribe the following rules, which shall come into force throughout the State on the 1st day of February 1902:

Provided that, as regards State Forests and lands specially protected under section 35 of the Mysore Forest Regulation, XI of 1900, the operation of these rules shall be subject to the provisions of the said Forest Regulation and the rules, if any, framed thereunder.

2. The killing of monkeys, Brahman kites, parrots, and birds of song is absolutely prohibited:

Provided that any owner or occupier of land may kill (as well as capture or pursue) monkeys or parrots doing damage to fruit or other crop growing thereon, so far as the same may be necessary for the protection of the crop.

3. The killing or capture of birds with bright colored plumage, of pea-fowl, and (except with the special permission of Government) of antelope, is prohibited in all parts of the State for a period of three years from the coming of these rules into force.

4. The following acts in respect of any stream or lake (*i. e.*, tank) with a view to the capture or destruction of fish are forbidden, that is to say,—the poisoning of water, the placing or throwing of dynamite or other explosive or deleterious substance in water, the setting of fixed engines, and the use of nets having a mesh below two inches in the case of perennial streams and one inch in other cases.

5. Deputy Commissioners are authorized to declare, from time to time, by notification in Part II of the *Mysore Gazette*, all or any streams or lakes or any portion of the same to be closed against fishing during any year or part of a year or during the spawning season, and, in like manner, to prohibit for like periods, the capture or destruction of any particular species of fish therein.

Explanation.—The spawning season is as follows:—

as regards streams running to the west coast—from 1st March to 31st August;

as regards streams running to the east coast—from 1st May to 30th November;

in other cases—from 1st June to 31st December,—both days inclusive.

6. It shall not be lawful for any person to kill—

(*a*) hares, or any description of feathered game other than migratory birds (*i. e.*, other than duck and teal), between the 1st of March and the 1st of September in any year;

(*b*) duck or teal, between the 1st of May and the 1st of October in any year;

(*c*) the females, whether mature or otherwise, or the immature males, of bison, sambhar, antelope, ibex, or any variety of deer, at any time of the year; and

(*d*) any other game between the 15th of June and the 15th of October in any year.

7. The taking out or destruction of the eggs of game birds is absolutely prohibited.

8. (*a*) No person shall sell or expose for sale any kind of game during the close season prescribed in these rules.

(*b*) Deputy Commissioners are authorized to prohibit the sale of fish in the neighbourhood of any stream or lake or portion thereof closed against fishing under rule 5, or the sale in such neighbourhood of any species of fish of which the capture or killing may have been prohibited under that rule:

Provided that nothing herein shall apply to fish which the person selling or attempting to sell the same can prove to have been caught in some place where its

(*c*) It shall not be lawful for any person to sell game or fish at any time within the limits of any Municipality unless he shall have obtained a license in this behalf from the President or Vice-President of the Municipality, on payment of a fee of 4 annas, such license being renewable at the end of every year on payment of a like fee.

9. Except to the extent permitted under section 12 of the Regulation, no person shall shoot at and kill game, or attempt so to do, without a license in the form appended to these rules, to be obtained from the Magistrate of the District on payment of a fee of five rupees. The District Magistrate shall be at liberty either to grant or to refuse to grant a license; or, if satisfied that the conditions of a license have not been complied with, whether wholly or in part, to withdraw or cancel the same at any time.

10. A license granted under the preceding rule shall cover only the individual in whose name it was issued, and shall not be transferable to any other person. It shall be available only till the expiration of the calendar year for which it was granted; but it may be renewed, previous to such expiration, on payment of a second fee.

Such license shall, on payment of a further fee of twenty rupees, and on countersignature by the Conservator of Forests in the case of State Forests and lands specially protected under section 35 of the Mysore Forest Regulation, and in other cases by the Inspector General of Police or other officer authorized in this regard by the Government, be valid for all the Districts in the State.

11. The power to arrest offenders under the circumstances referred to in section 11 of the Regulation, (*i. e.*, where the offence is committed in the view of the person making the arrest and the offender on demand refuses to give his name and address or gives a name and address which there is reason to believe is false) may be exercised by the following persons, namely:—

all Forest Officers including Forest guards;
all Police Officers including constables; and
all officers of the Revenue Department (including Land Revenue, Excise, Sayer, etc.,) of or above the rank of Patel or Shanbhog.

12. Any person holding a license granted under these rules shall be bound to produce the same when called upon to do so by a Magistrate or by any of the persons enumerated in the preceding rule.

13. Any breach of the above rules will render the offender liable on conviction to the penalty provided in section 8 of the Regulation, namely fine not exceeding one hundred rupees.

(Counterfoil.)

To be retained by the issuing officer.

License for the Pursuit of Game.

Permission is granted to..... to pursue game in the..... District during the calendar year ending the 31st December 190 , subject to the provisions of the Mysore Game and Fish Preservation Regulation, 1901, and of the rules thereunder and to all local rules in force under the authority of the Deputy Commissioner.

.....190 .

District Magistrate.

LICENSE

for the Pursuit of Game.

Permission is granted to..... to pursue game in the..... District during the calendar year ending the 31st December 190 , subject to the provisions of the Mysore Game and Fish Preservation Regulation, 1901, and of the rules thereunder (which are printed below for reference) and to all local rules in force under the authority of the Deputy Commissioner.

.....190 .

District Magistrate.

(Here print the rules, and continue if necessary on the reverse.)

SECTION Police

FILE No. 31—01

SER'AL No. 1.

Notification

Under Rule 8 of the Rules framed under the Mysore Arms Regulation VI of 1890, the Inspector General of Police in Mysore is authorized to Countersign all licenses granted under the said Rule.

By Order

Secretary 14/3

approved. Mis
may be issued
under
12. III. 02

15384 9 17/3/02
J. 1313

15385 9 17/3/02
J. 1314

15386-93. 9 17/3/02
J. 1315

To

The Compiler,
Mysore Gazette
for publication.

Copy to the I. G. of Police in Mysore

Copies to the District Magistrates, with the remark that all licenses for Countersignature should in future, be forwarded to the I. G. of Police in Mysore

B. C
Secy